

UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEW HAMPSHIRE

Williams & Hussey Machine Co., Inc.

v.

Civil No. 06-cv-387-JM

Woodstock International, Inc.,
Grizzly Industrial, Inc.

O R D E R

Defendant moves to dismiss claiming that the failure to plead the time when its mark became famous means that the dilution claim is insufficient. Plaintiff correctly points out that Fed. R. Civ. P. 9(f) does not require specificity of time in pleadings and that its complaint easily meets the standard of forum 16. In any event, an opportunity to amend is preferable. The motion (document no. 15) is denied as to its prayer for dismissal but plaintiff is directed to amend to provide a time frame.

SO ORDERED.



James R. Muirhead
United States Magistrate Judge

Date: July 10, 2007

cc: Julie A. Katz, Esq.
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